



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
APPEAL TO THE BOARD OF APPEALS AND INTERFERENCES

OF: BERNDL ET AL.  
SERIAL NO. 09/937,313  
FILED: SEPTEMBER 24, 2001  
FOR: SOLUBILIZING EXCipients IN POWDER FORM FOR SOLID PHARMACEUTICAL  
PREPARATIONS  
TO: HON. COMMISSIONER OF PATENTS AND TRADEMARKS

Box: CONFIRMATION NO.: 8414  
GROUP ART UNIT: 1615  
EXAMINER: MICAH P. YOUNG

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

June 17, 2003

Date of Deposit Herbert B. Keil  
Person Making Deposit  
Signature HBK  
Date of Signature June 17, 2003

Sir:

- NOTICE OF APPEAL: Applicant hereby appeals to the Board of Appeals from the decision dated January 17, 2003 of the Primary Examiner finally rejecting Claims 1 to 9.
- Applicants hereby petition for a second month extension of time under 37 C.F.R. §1.136. Applicants request entry of their timely reply dated May 16, 2003, for purposes of appeal.
  - A check to cover the fee of \$ 300 is enclosed.
  - A petition for a first month extension of time including the requisite fee of \$ 110 has been filed along with the amendment under 37 C.F.R. §1.116 dated May 16, 2003.
- BRIEF ON APPEAL in this application is transmitted herewith.
- An oral Hearing is requested
  - The Oral Hearing fee of — is enclosed.
- Fee \$ 320 + \$ 300
  - Enclosed.
  - Not required (Fee paid in prior appeal).
  - Charge to Deposit Account No. 11.0345.
- The Commissioner is hereby authorized to charge any fee which may be further required, or credit any over payment to Deposit Account No. 11.0345. A duplicate copy of this sheet is attached.

Respectfully submitted,  
KEIL & WEINKAUF

Herbert B. Keil  
Reg. No. 18,967

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01 FC:1401  
02 FC:1252

320.00 OP  
300.00 OP

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